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The Army's Role in the Counter-Drug War

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94-07690



DTIC QUALITY INSPECTED 8

Unclassified

SECURITY CLASSIFICATION OF THIS PAGE

REPORT DOCUMENTATION PAGE

1a. REPORT SECURITY CLASSIFICATION Unclassified			1b. RESTRICTIVE MARKINGS		
2a. SECURITY CLASSIFICATION AUTHORITY N/A			3. DISTRIBUTION / AVAILABILITY OF REPORT Distribution Statement A: Approved for public release; distribution is unlimited.		
2b. DECLASSIFICATION / DOWNGRADING SCHEDULE N/A					
4. PERFORMING ORGANIZATION REPORT NUMBER(S) NDU-ICAF-92- <u>Δ51</u>			5. MONITORING ORGANIZATION REPORT NUMBER(S) Same		
6a. NAME OF PERFORMING ORGANIZATION Industrial College of the Armed Forces		6b. OFFICE SYMBOL (If applicable) ICAF-FAP		7a. NAME OF MONITORING ORGANIZATION National Defense University	
6c. ADDRESS (City, State, and ZIP Code) Fort Lesley J. McNair Washington, D.C. 20319-6000			7b. ADDRESS (City, State, and ZIP Code) Fort Lesley J. McNair Washington, D.C. 20319-6000		
8a. NAME OF FUNDING / SPONSORING ORGANIZATION		8b. OFFICE SYMBOL (If applicable)		9. PROCUREMENT INSTRUMENT IDENTIFICATION NUMBER	
8c. ADDRESS (City, State, and ZIP Code)			10. SOURCE OF FUNDING NUMBERS		
			PROGRAM ELEMENT NO.	PROJECT NO.	TASK NO.
			WORK UNIT ACCESSION NO.		
11. TITLE (Include Security Classification) <i>The Army's Role in the Counter-Drug War</i>					
12. PERSONAL AUTHOR(S) <i>Gary L. Juskowiak</i>					
13a. TYPE OF REPORT Research		13b. TIME COVERED FROM <u>Aug 91</u> TO <u>Apr 92</u>		14. DATE OF REPORT (Year, Month, Day) April 92	
				15. PAGE COUNT <i>39</i>	
16. SUPPLEMENTARY NOTATION					
17. COSATI CODES			18. SUBJECT TERMS (Continue on reverse if necessary and identify by block number)		
FIELD	GROUP	SUB-GROUP			
19. ABSTRACT (Continue on reverse if necessary and identify by block number) SEE ATTACHED					
20. DISTRIBUTION / AVAILABILITY OF ABSTRACT <input checked="" type="checkbox"/> UNCLASSIFIED/UNLIMITED <input type="checkbox"/> SAME AS RPT. <input type="checkbox"/> DTIC USERS			21. ABSTRACT SECURITY CLASSIFICATION Unclassified		
22a. NAME OF RESPONSIBLE INDIVIDUAL Judy Clark			22b. TELEPHONE (Include Area Code) (202) 475-1889		22c. OFFICE SYMBOL ICAF-FAP

ABSTRACT

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TITLE: The Army's Role in the Counter-Drug War

DATE: 13 April 1992

Illegal drugs pose a threat of far greater magnitude to the United States than is often perceived. The drug trade has created a crime and health crisis and has put a tremendous drain on our national resources. All economic groups and social classes in the United States are affected by our drug problem. The Department of Defense is an important player in the execution of the national drug control strategy. This paper reviews the Army's role in the detection, monitoring, and countering of the production, trafficking and use of illegal drugs.

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DTIC	TAB <input type="checkbox"/>
Unannounced <input type="checkbox"/>	
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TABLE OF CONTENTS

	Page
CHAPTER I. INTRODUCTION.....	1
II. BACKGROUND.....	4
III. MAJOR CONSIDERATIONS.....	8
IV. THE ARMY'S ROLE.....	12
V. CONCLUSION.....	23
BIBLIOGRAPHY.....	25

THE ARMY'S ROLE IN THE COUNTER-DRUG WAR

CHAPTER I

INTRODUCTION

Illegal drugs pose a threat of far greater magnitude to the United States than is often perceived. The drug trade has created a crime and health crisis and has put a tremendous drain on our national resources. Consider the following facts which relate to the use of illegal drugs:

- Results in the death of 5,000 U.S. citizens yearly.¹
- Generates \$250 billion in illegal drug sales annually.²
- Majority of all murders are drug-related.³
- Over 200,000 babies are born each year to mothers who use drugs.⁴
- In 1990, Latin America produced 873 metric tons of cocaine.⁵
- 1992 Federal Government drug control budget was \$11 billion.⁶
- 1992 Pentagon drug-war budget was \$1.2 billion.⁷

All economic groups and social classes in the United States are affected by our drug problem. Realizing the threat to our overall national security interest, President Bush addressed this threat in his August 1991 National Security Strategy of the United States which states that:

The international trade in drugs is a major threat to our national security. No threat does more damage to our national values and institutions, and the domestic violence generated by the trade in drugs is all too familiar. Trafficking organizations undermine the sovereign governments of our friends and weaken and distort national economies with a vast, debilitating black market and large funding requirements for enforcement, criminal justice, prevention and treatment systems. Demand reduction at home and an aggressive attack on the international drug trade are the main elements of our strategy. They must be pursued together.⁸

The Department of Defense is an important player in the execution of the national drug control strategy. The Army is actively participating in the detecting, monitoring, and countering of the production, trafficking and use of illegal drugs.

After providing some background information, and major considerations, this paper will explore the Army's current roles in dealing with this national security threat. I will address specific types of Army support and its effectiveness, and conclude with future prospects.

ENDNOTES

1. Mark O. Hatfield and Matthew F. McHugh, "After Containment: A New Foreign Policy for the 1990's," SAIS Review, vol. 11, no. 1, 1991, p. 3.
2. Ibid., p. 3.
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5. Charles Lane, Douglas Waller, Brook Larmer, Peter Katel, "The Newest War," Newsweek, 6 January 1992, p. 19.
6. Ibid., p. 19.
7. Ibid., p. 19.
8. The White House, National Security Strategy of the United States, August 1991, p. 17.

CHAPTER II

BACKGROUND

Casual reading of daily newspapers in the U.S. reveals indisputably the magnitude of the drug problem. For the first time, in 1991 the federal government developed and publicly articulated a complete, sophisticated, and finely differentiated understanding of drugs as a public policy issue. Our current National Drug Control Strategy clearly acknowledges the visible effects of widespread drug use: rising rates of crime, serious damage to the nation's health and economy, and strains on relationships with international allies.

Congress funded the proposed program at \$11.2 billion for FY 92 and included many new initiatives. In essence, we must exert pressure on all parts of this problem simultaneously. Our current strategy stresses prevention and treatment for those who need it and can benefit from it. Listed below are the new initiatives:

- We must hold users accountable for their actions and thereby deter others from using drugs.
- We must prosecute dealers and traffickers.
- We must punish those convicted of drug crimes.
- We must disrupt the flow of drugs, drug money, and related chemicals.
- We must engage other nations in efforts to reduce the growth, production, and distribution of drugs.

- We must support basic and applied research in behavior, medicine and technology.

- We must improve our intelligence capabilities in order to attack drug trafficking organizations better. No single tactic, by itself, is sufficient. All of these must be employed together, as clearly stated in our National Drug Control Strategy.¹

In order to help stem the massive flow of drugs, there are currently 14 federal agencies directly involved in some aspect of drug law enforcement.² The Drug Enforcement Administration (DEA) is the principal investigative agency and works closely with such other organizations as the U.S. Customs Service (USCS); the U.S. Coast Guard (USCG); the U.S. Border Patrol (USBP); and the Federal Bureau of Investigation, in apprehending drug law offenders. In close cooperation with the Department of State and key U.S. law enforcement agencies (LEA), the Department of Defense is devoting significant resources and is playing a leading role in the attack on the supply of illegal drugs from abroad under the National Drug Control Strategy.

In October 1988, Congress passed comprehensive legislation in the 1989 Defense Authorization Act that mandated stepped-up assistance by the armed forces to drug-fighting law enforcement agencies in three broad areas of responsibilities. The 1989 Act made DOD the single lead agency of the federal government for detection and monitoring of aerial and maritime transit of illegal drugs

into the United States. It directed that command, control, communications, and technical intelligence assets of the U.S. dedicated to drug interdiction be integrated by DOD into an effective communications network. The 1989 Act also provided an enhanced role for the National Guard, under the direction of state governors, to support state drug interdiction and law enforcement operations.³

The Secretary of Defense's Counternarcotics Guidance, issued to all DOD components in September 1989, established a comprehensive strategy for attacking the flow of illegal drugs at every phase: in countries that are sources of the drugs, in transit from source countries to the U.S., and in distribution in the United States.

Before we examine the Army's role in this war, let us first examine the major considerations which govern our support.

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1. The White House, National Drug Control Strategy, February 1991, p. 2.
2. Murl D. Munger and William W. Mendel, Campaign Planning and the Drug War, U.S. Army War College, February 1991, p. 2.
3. U. S. Secretary of Defense, Drug Interdiction and Counter-drug Program. Report to the President and the Congress, January 1991, p. 85.

CHAPTER III

MAJOR CONSIDERATIONS

Military support to the counter-drug war is not without its limitations. Currently, there are three major considerations which govern the extent to which DOD can provide support and, as a result, have a direct impact on the Army's role in assisting civilian authorities. These considerations include the legal restrictions on military enforcement of U.S. civil law, the effect on readiness when providing support, and funding.

Legal Considerations

The Posse Comitatus Act of 1878, and subsequent legislation, directly affects the extent to which military forces (including Reserve Components) can participate in law enforcement activities. The Posse Comitatus Act prohibits the use of federal military forces to perform internal police functions. Public law 97-86 passed in 1982, amended the Posse Comitatus Act. The law, as amended, now authorizes indirect military involvement such as equipment loan, personnel support, training and sharing information.¹ This law does not limit the Army National Guard (ARNG) (on state duty status or under Title 32 USC) from performing law enforcement functions authorized by the states concerned.

The Foreign Assistance Act of 1961 places similar restrictions to those of Posse Comitatus and PL 97-86 on

U.S. drug interdiction efforts in the territory of a foreign state.² Thus, without changes to existing laws, U.S. military involvement in drug interdiction in the U.S., on the high seas, and within a foreign country, is limited to indirect support. Army Regulation 500-51 further prohibits the Army from becoming involved in any activity which may result in the interdiction of a vessel or aircraft.³ It does, however, encourage elements of the Army to provide information, obtained through the course of normal training and operations, to civilian law enforcement agencies.

Another legal constraint with significant counter-drug implications is the prohibition of active duty and Reserve soldiers' entry onto private land without written permission of the owner.⁴ Much of our land along our Southwest border with Mexico is in private hands, and smugglers have been known to buy land on both sides of the border to facilitate illegal activities.

Effect on Readiness

By law (10 USC 376), military support in providing assistance to civilian authorities in their drug suppression efforts, cannot degrade the Army's capability to meet its readiness missions. This indirect support must be incidental to the military mission or provide substantially equivalent military training. It cannot degrade combat readiness nor the capacity of the DOD to fulfill its defense mission.⁵

Funding

Department of Defense is not permitted to allocate funds specifically for a purpose other than national defense. As previously stated, the DOD drug war budget for FY 92 is \$1.2 billion. DOD's expenditures are heavily scrutinized and are centrally managed in the Pentagon. In my interview with a representative from the Army DSCOPS staff, I learned that obtaining funds to support Army counter-drug operations is generally not a problem.⁶ In general, LEA's must reimburse DOD for support provided to them unless substantially equivalent training benefits accrue to Department of the Army for such provision or the support is provided incidental to a military mission. By providing support on a reimbursable basis, or at no cost when such support is incidental to training already funded, we maintain flexibility in employing active forces so as not to detract from military preparedness while contributing to drug interdiction efforts.

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1. U.S. Department of the Army, Army Command and Management Theory and Practice 1991-1992, Chapter 13, pp. 13-15.
2. Ibid., pp. 13-16.
3. U.S. Department of the Army, Army Regulation 500-51. Emergency Employment of the Army and Other Resources: Support to Civilian Law Enforcement, 1 July 1983, p. 2-1e.
4. Dale E. Brown, "Drugs on the Border: The Role of the Military." Parameters, U.S. Army War College Quarterly, Winter 1991-92, p. 57.
5. U.S. Department of the Army, Army Command and Management Theory and Practice, 1991-1992, Chapter 13, pp. 13-16.
6. Interview with LTC Henry Black, DA, DCSOPS Action Officer, 25 November 1991.

CHAPTER IV

THE ARMY'S ROLE

On 17 April 1990, Secretary of the Army Stone and the Army Chief of Staff, General Vuono, signed "The Army Counternarcotics Plan" which articulated the Army's support role to our National Drug Control Strategy. It stated that:

The Army will provide support, from the full spectrum of its capabilities, to a wide range of drug law enforcement agencies (DLEAs), U.S. government agencies, and cooperating foreign governments. We will execute the counter-drug mission with the same dedication, skill, and professionalism that we apply to all of our national security missions. Fundamental roles and missions for the Army, established in Titles 10 and 32 U.S. Code will not change. The Army is not, nor will it become, a law enforcement agency (LEA). Army activities will comply with the Posse Comitatus Act, the Foreign Assistance Act, the Arms Export Control Act and other laws. International activities will be conducted under the operational command of combatant-commanders. Assistant Secretary of the Army for Installations and Logistics will continue to provide oversight of the Army Counter-Drug Program.¹

Army support comes from all components of the Department of the Army. This support can be categorized into three broad areas: Title 32 (National Guard), Title 10 (active duty and Reserve forces), and logistical support. Let us now turn our attention to Title 32 support.

National Guard Role

The 1989 National Defense Authorization and Appropriations Acts provided funding for National Guard (NG) support for drug interdiction and enforcement operations.² The Secretary of Defense provided funds to the governors of states who submitted plans specifying how the National Guard

was proposed to be used. Such operations were required to be served in addition to normally scheduled weekend drill and annual training requirements. Plans from each state, developed in coordination with city, county, state and federal law enforcement agencies, were submitted to the National Guard Bureau (NGB) for review and recommendations for funding. Following review by the NGB, the plans were forwarded through the Secretary of the Army and then to the Secretary of Defense for approval. The Secretary of Defense referred the plans to the Attorney General for consultation as to adequacy, and then made funding decisions. Funding of the governors' plans was contingent on compliance with law and limited to the amount authorized and appropriated by Congress.

The operational limits of the plans require National Guard members to perform their duty under command and control of state authorities, either in a state active duty status or in U.S. Code Title 32 duty status. Guard personnel are not to become involved in the seizure of evidence or contraband, or process illegal drugs seized during an operation. When possible, Guard personnel perform jobs that are related to their military specialties.

In 1988, National Guard military policy was used in a pilot test program to assist U.S. Customs agents in searching commercial cargo entering various land and sea border entry points. This very successful program was expanded in 1989 to nearly every major seaport and many

major airports throughout the U.S., increasing the U.S. Customs Service capability to inspect cargo.

Other examples of missions for State interdiction and eradication efforts are: helicopter transport of law enforcement personnel and confiscated illegal drugs; special operations forces' identification of ground and air traffic; loan of equipment and training of law enforcement agencies; aircraft photo reconnaissance; and monitoring air traffic with organic radar.

One of the more recently publicized programs is the June 1991 agreement formalizing a working relationship between the U.S. Marshals Service and the D.C. National Guard to fight drugs in both the District of Columbia and the suburbs.³ In this agreement, Guard helicopters with specialized photo surveillance capabilities, night-vision scopes, helmets, protective vests, planes, and access to intelligence and manpower, are provided in support to the Marshals Service for use in combating drugs in the city. Under this pact, the D.C. Guard also makes available to the marshals, its armory as a staging area, storage facilities for seized vehicles and personnel, and equipment to board up crack houses. The Marshals Service has a similar arrangement with the Maryland National Guard.

The National Guard contributed 532,899 man-days to the counter-drug effort while conducting 5,155 missions in FY 90.⁴ There are limits, however, to the Guard's utility. Each state ordinarily can bring to bear only those types of

assets that happen to comprise its force structure; New Mexico, for example, has no infantry or engineer units. This is one reason why active duty and Reserve forces are invaluable complements to the counter-drug campaign along the Southwest border.

Based on information from the states, the overwhelming evidence clearly shows that individual and unit readiness is improved by the additional mission of the National Guard supporting LEAs. The four primary reasons for this are:

1. All operations in support of LEAs are conducted in addition to regular scheduled weekend drills and annual training.

2. The jobs performed by traditional NG members in support of these agencies are identical to, or closely aligned to, their military jobs.

3. By conducting operations, and using and maintaining equipment on a daily basis as compared to monthly training, individuals and units learn to operate in a better coordinated, better planned manner.

4. Performing a "real-time" mission that has significant benefits to society has created an enthusiastic, volunteer environment that enhances individual pride and unit esprit de corps.

Active Duty and Reserve Forces

Using Title 10 forces, both active duty and Reserve forces, the Army provides counter-drug support to five CINCs; over 40 federal law enforcement agencies; over 2,000

local law enforcement agencies throughout the United States; and a growing number of Latin American countries, such as Peru, Colombia, Bolivia, and Mexico.⁵ The Army provides support in six broad areas: operational support, training support, intelligence analysis, engineer support, transportation, and support to foreign governments.

Operational Support. Reconnaissance operations are the most frequently requested form of support along the Southwest land border. Manned observation posts are commonly provided. In all cases where a confrontation with potential smugglers is likely, soldiers are accompanied by members of the LEA requesting support. While drug smuggling is possible anywhere along the 2,000 mile border, there are specific routes located mostly in remote, mountainous areas that have been smuggler's conduits to the north for centuries. These areas are ideal for the use of Army Special Forces with night-vision devices and long-range optics. Observation posts are both inexpensive and have proved to be effective to help detect smuggling along the length of the border. These forces also help by updating outdated maps during ground reconnaissance missions. Keep in mind, these forces cannot operate on private land without the express written consent of the land owner.

Training Support. Active duty forces provide a wide range of training support to law enforcement agencies. The training provided is normally conducted via mobile training teams (MTT); however, some "school house" instruction is

also provided. The most frequent type of MTT conducted is small unit tactics; i.e., first aid, land navigation, the proper techniques of cover and concealment, map reading, and marksmanship training on a wide variety of weapons. LEA personnel normally come to the Army school house for training in such areas in intelligence training, computer training, and helicopter pilot training. Both types of training are usually conducted on a reimbursable type basis.

Intelligence analysis. Intelligence analysis is another valuable aspect of military assistance. Military training teams instruct the law officers in analysis techniques as well as performing the procedures in specific instances. Military analysts working with LEAs have been successful at using multiple sources of intelligence to alert local agencies to expect border drug crossings. Care is taken not to maintain intelligence on U.S. citizens, action that is forbidden by intelligence oversight laws. Similarly, military translators listen only to tapes on wire taps, not the actual conversations. Spanish translation is another highly prized form of military support.

Engineer support. Engineer support has proven to be an equally valuable form of aid. An Army engineer company from Fort Carson was called on to clear away the brush which obstructed the view of the Rio Grande River. Additionally, it created 120 miles of road that could be monitored for illegal crossing activity. Another useful engineer project

was the construction of a 14-mile long steel fence along the U.S.-Mexico border in California. The 11 foot high, half-inch-thick, steel-welded fence is designed to thwart drug smugglers who, in the past, simply smashed their trucks through ramshackle fencing. This border fence is credited with helping to triple the amount of drug seizures along the San Diego-Tijuana corridor this year. Not only has this fence been effective against drug smuggling, but it has also proven effective against illegal immigration and has increased safety for Border Patrol agents in the area.

Another example of Army engineer support was the assistance rendered in the discovery of the Douglas, Arizona drug tunnel. Customs officials had long suspected the existence of a tunnel under the border, but lacked sufficient evidence to justify search warrants. Army engineers were called in to assist since they had a long-standing interest in tunnel detection because of their experiences along the Korean border. Once the engineer team arrived on the scene in March 1990, it was only a matter of hours before the tunnel location was pinpointed. Subsequent search of a warehouse in Douglas by customs authorities revealed a tunnel leading to the owner's residence in Mexico. The search by authorities yielded two tons of cocaine and 14 tons of marijuana. The tunnel was thought to have been in use for two years and might still be a principal drug conduit if not for Army engineer involvement.

Transportation support. Army transportation assets are also frequently requested by law enforcement agencies. Helicopters are especially useful for transporting agents to hard-to-reach areas of the Southwest border. Aviation assets are often used in inserting and extracting forces--not only LEAs, but also the Army Special Forces who are on reconnaissance operations. Special aviation aircraft with night-vision devices and infrared radar are used to patrol the borders during reduced visibility timeframes. Army fixed wing aircraft are also used to transport large quantities of seized illegal drugs.

Foreign government support. As of January 1992, the U.S. Army had approximately 500 soldiers working in counter-drug training and intelligence missions on the ground in Central and South America, according to Pentagon sources.⁶ There are 80 U.S. personnel stationed in Colombia alone. The Army has placed small tactical analysis teams in ten Central and South American countries, working with DEA and CIA to assemble intelligence files on trafficking organizations. Army Green Berets also train Bolivian, Peruvian, and Colombian police and military in jungle warfare.

These Army forces are providing the country teams and U.S. anti-drug agencies with intelligence, materiel, and training support. Army forces provide mobile training teams to train host country anti-drug forces in skills ranging from light infantry operations to the conduct of maintenance

and logistical support for anti-drug forces. Pressures by host country forces, trained by the U.S., are now forcing traffickers to seek new areas of operations.

Even the Army's supersecret counter-terrorist unit, Delta Force, has given the Peruvian Army counter-terrorism training. When deployed in-country, all these forces work under the command and control of U.S. Southern Command in Panama.

Logistical support.

Law enforcement agencies have a great need for military equipment with counter-drug applications. To assist these LEAs, DOD has established four Regional Logistics Support Offices (RLSO) located in Miami, Florida; El Paso, Texas; Long Beach, California; and Buffalo, New York. The RLSOs coordinate support for federal, state and local agencies. This support includes temporary loan of equipment, training for various service schools, and transfer of excess DOD property. The Army has loaned or leased military equipment, such as night-vision devices, forward-looking infrared radar, radios, aviation assets, weapons, and vehicles. These loans are normally for a 12-month period but may be extended. Every effort is made to take the equipment out of depot stocks instead of removing equipment from actual units.

Another form of logistical support is through the Security Assistance Program. In Latin America, the goal of the Army security assistance program is to assist regional

governments in strengthening their internal defense and to help them reduce illicit drug production and trafficking. Army logistics support of counter-drug activities in Latin America includes deliveries of helicopters, support equipment for civic action activities, general aviation support items, vehicles, communications equipment, small arms and individual equipment.7

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CHAPTER V

FUTURE PROSPECTS AND CONCLUSION

In the relatively short time the Army has been involved in counter-drug operations, considerable progress has been made towards supporting law enforcement agencies' efforts and procedures. Support that expands these counter-drug efforts, as well as provides realistic training, has been rendered in a wide variety of areas. The support has been well received by law enforcement officials.

I believe that our current level of support to this effort could even be expanded more and should most definitely be a mission for the Army. The interdiction efforts by the drug enforcement agencies should take full advantage of Army assets consistent with the provisions of the Posse Comitatus Act and other applicable laws. The Army can indirectly support interdiction operations in foreign countries. Additionally, the Army's high-tech equipment can assist surveillance capabilities along the border areas between the United States and Mexico. The Army Reserve and National Guard should expand their assistance to civilian law enforcement agencies. More manpower should be placed at air, sea, and border points helping LEAs inspecting cargo, vehicles, personnel, etc. Additional assistance should also be provided in the form of equipment loans, training of personnel and providing expert advice. In all respects, the Army should refrain from becoming directly involved and

continue with its support role to the law enforcement agencies.

How effective is the Army in the support? Troops do not conduct drug busts, seize contraband or make arrests. Thus, the Army cannot point to the standard measures of success--dealers jailed or pounds of drugs seized. It relies instead on more abstract measures, such as the effectiveness of the help it has provided law enforcement agencies and the quality and timeliness of its assistance.

At the present, according to most officials, it is difficult to establish a cause-and-effect relationship between the Army's participation in the drug war and the successes of law enforcement agencies. We have to be careful because the Army is still groping with their "supporting" role, which has been directed through their chain-of-command, and is not likely to change in the foreseeable future. Will this be a short war? While Desert Storm only took 40 days, the drug war is going to require commitment over a long period of time. The drug war is more like the cold war, which took 40 years, but we will win.

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